

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 13, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1626

Introduced by Senator Ashburn

February 24, 2006

An act to amend Section 790 of the Welfare and Institutions Code, relating to juvenile crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1626, as amended, Ashburn. Juvenile crime.

Existing juvenile law, enacted by Proposition 21 of *the* 2000 *statewide primary election*, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment and meets other eligibility criteria. This provision does not apply if the minor has committed any one of various, specified serious or violent offenses.

Existing law provides that, upon the agreement of the prosecuting attorney, the public defender or the minor's private defense attorney, and the presiding judge of the juvenile court or his or her designee, the procedure for deferred entry of judgment shall be completed as soon as possible after the initial filing of the petition. If they do not agree, existing law requires that the minor's case be heard according to procedures generally governing juvenile cases.

The bill would delete the latter provisions described above requiring the agreement of the attorneys and the judge and would instead provide that upon a finding that a minor is suitable for deferred entry of judgment and would benefit from education, treatment, and rehabilitation efforts, the court may grant deferred entry of judgment. The bill would require the court to make findings on the record that a minor is appropriate for deferred entry of judgment in any case in which it is granted. ~~The bill would also require the Judicial Council to report to the Legislature on the use of deferred entry of judgment on or before July 1, 2008.~~ Because the bill would amend an initiative statute, it would require a ~~2/3~~ ^{2/3} vote.

Vote: ^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 790 of the Welfare and Institutions
2 Code is amended to read:
3 790. (a) Notwithstanding Section 654; *or* 654.2, or any other
4 provision of law, this article shall apply whenever a case is
5 before the juvenile court for a determination of whether a minor
6 is a person described in Section 602 because of the commission
7 of a felony offense, if all of the following circumstances apply:
8 (1) The minor has not previously been declared to be a ward of
9 the court for the commission of a felony offense.
10 (2) The offense charged is not one of the offenses enumerated
11 in subdivision (b) of Section 707.
12 (3) The minor has not previously been committed to the
13 custody of the Youth Authority.
14 (4) The minor's record does not indicate that probation has
15 ever been revoked without being completed.
16 (5) The minor is at least 14 years of age at the time of the
17 hearing.
18 (6) The minor is eligible for probation pursuant to Section
19 1203.06 of the Penal Code.
20 (b) The prosecuting attorney shall review his or her file to
21 determine whether or not paragraphs (1) to (6), inclusive, of
22 subdivision (a) apply. If the minor is found eligible for deferred
23 entry of judgment, the prosecuting attorney shall file a
24 declaration in writing with the court or state for the record the

1 grounds upon which the determination is based, and shall make
2 this information available to the minor and his or her attorney.
3 Upon a finding that the minor is also suitable for deferred entry
4 of judgment and would benefit from education, treatment, and
5 rehabilitation efforts, the court may grant deferred entry of
6 judgment. Under this procedure, the court may set the hearing for
7 deferred entry of judgment at the initial appearance under Section
8 657. The court shall make findings on the record that a minor is
9 appropriate for deferred entry of judgment pursuant to this article
10 in any case where deferred entry of judgment is granted. ~~On or~~
11 ~~before July 1, 2008, the Judicial Council shall report to the~~
12 ~~Legislature on the use of deferred entry of judgment pursuant to~~
13 ~~this article. This report shall include, but not be limited to, the~~
14 ~~number of cases and types of crimes for which deferred entry of~~
15 ~~judgment has been granted during a specified period of time in~~
16 ~~jurisdictions surveyed by the council.~~

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